

FILED 11/23/2021 9:02 AM CLERK OF SUPERIOR COURT DEKALB COUNTY GEORGIA

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

vs.

CHAZREL BURTON,
Defendant.

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CRIMINAL ACTION FILE
NO. 13-CR-4448-3

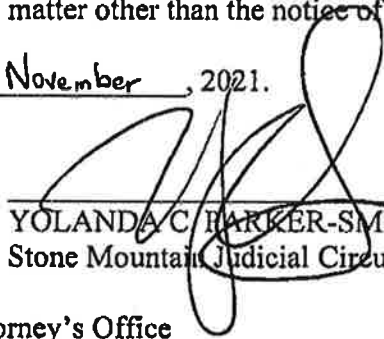
ORDER DISMISSING MOTION TO WITHDRAW GUILTY PLEA

Defendant entered a guilty plea and was sentenced to prison in 2016. He subsequently filed a pro se motion for out-of-time appeal which the Court granted on September 3, 2020. The Court referred the matter for the appointment of a lawyer, the Defendant filed a timely pro se notice of appeal, GPDC was ultimately appointed, and appellate counsel filed an "amended motion to withdraw guilty plea and motion to resolve post-conviction status". The motion deals exclusively with Defendant's longstanding claim that his being granted an out-of-time appeal entitles him to file an otherwise untimely motion to withdraw guilty plea.

The Supreme Court of Georgia has ruled adversely to Defendant's claim in *Schoicket v. State*, 2021 WL 5064972 (November 2, 2021) and the motions to withdraw guilty plea filed in this case on September 16, 2019, February 3, 2020, September 15, 2020, and August 4, 2021 are DISMISSED.

Nothing else remains pending in this matter other than the notice of appeal.

SO ORDERED this the 1th day of November, 2021.


YOLANDA C. PARKER-SMITH, Judge
Stone Mountain Judicial Circuit

By e-serve: Elizabeth Brock, District Attorney's Office
Clifford Kurlander, Counsel for Defendant